

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:17-cv-00486-FDW-DSC

MAURICE GRIER, )  
Plaintiff, )  
vs. )  
DUNCAN GRAY, individually and as an )  
employee of the Charlotte-Mecklenburg Board )  
of Education; CHARLOTTE- )  
MECKLENBURG BOARD OF )  
EDUCATION, )  
Defendants. )

ORDER

THIS MATTER is before the Court following a hearing on Defendant Charlotte-Mecklenburg Board of Education's Motion to Dismiss and for Summary Judgment (Doc. No. 59) and Plaintiff's Motion for Summary Judgment (Doc. No. 63). For the reasons stated in open Court following oral argument by all parties, the Court dismisses Plaintiff's claims brought pursuant to the North Carolina Constitution and dismisses Plaintiff's claim against Defendant Gray under Title IX. The Court grants Plaintiff's motion for summary judgment on his assault claim against Gray. The Court also grants Defendant's motion for summary judgment on Plaintiff's Title IX claim and on Plaintiff's claim pursuant to 42 U.S.C. § 1983 *only* to the extent Plaintiff relies on the danger creation theory. All other claims and the issue of damages shall proceed to trial.

IT IS THEREFORE ORDERED that Defendant's Motion (Doc. No. 59) is GRANTED IN PART and DENIED IN PART and Plaintiff's Motion (Doc. No. 63) is GRANTED IN PART and DENIED IN PART.

This matter is currently set for March 1, 2021, and the Court fully intends for this case to be tried during that term. The parties shall confer and submit a joint proposed pretrial order in accordance with the Case Management Orders in this case by February 26, 2021. Motions in limine should also be filed by February 26, 2021.

TAKE NOTICE that the Court will conduct a pretrial conference during docket call at 9:00 a.m. on March 1, 2021. Jury selection will take place on March 2, 2021, with trial to begin thereafter according to the schedule set during docket call.

IT IS SO ORDERED.

Signed: February 8, 2021

  
Frank D. Whitney  
United States District Judge